

CHAPTER 92

**CORRECTIONS**

SENATE BILL 17-031

BY SENATOR(S) Tate, Kerr, Moreno, Baumgardner, Cooke, Crowder, Fields, Holbert, Jahn, Kagan, Lambert, Lundberg, Martinez Humenik, Priola, Scott, Grantham; also REPRESENTATIVE(S) Arndt, Thurlow, Gray, Hooton, Kraft-Tharp.

**AN ACT**

**CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE DEPARTMENT OF CORRECTIONS TO THE GENERAL ASSEMBLY.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 17-1-104.3, **amend** (5) as follows:

**17-1-104.3. Correctional facilities - locations - security level.**

(5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), monthly the department shall submit a project status report on construction and A monthly population and capacity report to the office of state planning and budgeting, the joint budget committee, the capital development committee, and THE legislative council. The monthly population and capacity report ~~shall~~ **MUST** include information on state and private contract facilities, including ~~but not limited to~~ operational capacity for the previous month, the month just ending and capacity changes, on grounds population, and operational capacity for this period in the previous year. The department shall include total beds occupied in each facility, state or private contract, by custody level and by gender. The report shall itemize operational capacities for jail backlog, community corrections, parole, youthful offenders, escapees, and revocations.

**SECTION 2.** In Colorado Revised Statutes, 17-1-113.9, **amend** (1) as follows:

**17-1-113.9. Use of administrative segregation for state inmates - reporting.**

(1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before January 1, 2012, and each January 1 thereafter, the executive director shall provide a written report to the judiciary committees of the senate and house of representatives, or any successor committees, concerning the status of administrative segregation;

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

reclassification efforts for offenders with mental illnesses or developmental disabilities, including duration of stay, reason for placement, and number and percentage discharged; and any internal reform efforts since July 1, 2011.

**SECTION 3.** In Colorado Revised Statutes, 17-1-115.7, **amend** (2) as follows:

**17-1-115.7. Prevention of sexual assaults on youthful inmates - compliance with federal law - report - definitions.** (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before October 1, 2013, and on or before each October 1 thereafter, the department shall report to the judiciary committees of the house of representatives and senate, or any successor committees, concerning the implementation of the policies described in subsection (1) of this section within the youth offender system described in section 18-1.3-407.5. ~~C.R.S.~~

**SECTION 4.** In Colorado Revised Statutes, 17-1-115.8, **amend** (1) introductory portion as follows:

**17-1-115.8. Corrections officer staffing - double shift criteria - definitions.** (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the department shall prepare a report for the members of the general assembly by January 15, 2014, and by January 15 each year thereafter, regarding corrections officer staffing levels. The report must include:

**SECTION 5.** In Colorado Revised Statutes, 17-1-201, **amend** (2) as follows:

**17-1-201. Duties of department.** (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), no later than December 1 of each fiscal year, beginning with the 1996-97 fiscal year, the executive director shall submit a report to the speaker of the house of representatives and the president of the senate concerning the status of contracts in effect, and, with respect to completed prisons, the effectiveness of each private contract prison governed by a contract with the department.

**SECTION 6.** In Colorado Revised Statutes, 17-2-102, **amend** (13) as follows:

**17-2-102. Division of adult parole - general powers, duties, and functions - definitions - repeal.** (13) (a) On or before January 1, 2016, and on or before January 1 each year thereafter, the division of adult parole shall provide to the judiciary committees of the senate and the house of representatives, or any successor committees, a status report on the effect on parole outcomes and the use of any ~~moneys~~ MONEY allocated pursuant to Senate Bill 15-124, enacted in 2015.

(b) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION (13) IS REPEALED, EFFECTIVE JANUARY 2, 2019.

**SECTION 7.** In Colorado Revised Statutes, 17-2-201, **amend** (3.5) as follows:

**17-2-201. State board of parole - definitions.** (3.5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the chairperson shall annually make a presentation to the judiciary committees of the house of representatives and the senate, or any successor committees, regarding the operations of the board. ~~and the information required by section 17-22.5-404.5 (4).~~

**SECTION 8.** In Colorado Revised Statutes, 17-33-101, **amend** (8) as follows:

**17-33-101. Reentry planning and programs for adult parole - grant program - rules - reports - repeal.** (8) (a) On and after January 1, 2016, during its annual presentation before the joint judiciary committee of the general assembly, or any successor joint committee, pursuant to section 2-7-203, C.R.S., the department shall include a status report regarding the progress and outcomes of the initiatives developed and implemented by the department pursuant to this section during the preceding year.

(b) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JANUARY 2, 2019.

**SECTION 9.** In Colorado Revised Statutes, 18-1.3-1011, **amend** (1) introductory portion as follows:

**18-1.3-1011. Annual report.** (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before November 1, 2000, and on or before each November 1 thereafter, the department of corrections, the department of public safety, and the judicial department shall submit a report to the judiciary committees of the house of representatives and the senate, or any successor committees, and to the joint budget committee of the general assembly specifying, at a minimum:

**SECTION 10.** In Colorado Revised Statutes, 18-3-414.5, **amend** (4) introductory portion as follows:

**18-3-414.5. Sexually violent predators - assessment annual report.** (4) On or before January 15, 2008, and on or before January 15 each year thereafter, the judicial department and the department of corrections shall jointly submit to the ~~judiciary committees of the senate and the house of representatives, or any successor committees, to~~ the division of criminal justice in the department of public safety and to the governor a report specifying the following information:

**SECTION 11.** In Colorado Revised Statutes, 42-3-301, **amend** (2)(a) as follows:

**42-3-301. License plate cash fund - license plate fees.** (2) (a) The fees imposed pursuant to subsection (1) of this section shall be limited to the amount necessary to recover the costs of the production and distribution of any license plates, decals, or validating tabs issued pursuant to this ~~article~~ ARTICLE 3 and the related support functions provided to the department of revenue by the division. The correctional industries advisory committee, established pursuant to section 17-24-104 (2), C.R.S., shall annually review and recommend to the director of the division the amounts of the fees to be imposed pursuant to subsection (1) of this section. The director of the division, in cooperation and consultation with the department of revenue and the office of state planning and budgeting, shall annually establish the amounts of the fees imposed pursuant to subsection (1) of this section to recover the division's costs pursuant to this subsection (2). ~~On or before March 1, 2010, and on or before March 1 every five years thereafter, the director of the division shall file a written report with the transportation and energy committee of the house of representatives, or any successor committee, and the transportation committee of the senate, or any successor committee, concerning any change within the preceding~~

~~five years in the amount of the fee imposed pursuant to subsection (1) of this section and the reason for the change in the fee.~~

**SECTION 12. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 30, 2017